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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,877	06/25/2003	Henri Rancon	P23812	2250

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EXAMINER

KLEBE, GERALD B

ART UNIT PAPER NUMBER

3618

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,877

Applicant(s)

RANCON ET AL.

Examiner

Gerald B. Klebe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 10 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/25/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restriction

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I: Figures I-5;

Species II: Figure 6;

Species III: Figure 7.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-8 appear to be generic.

2. During a telephone conversation with Attorney of Record, Mr. James Rowland, Reg. No. 32,674 on June 17, 2004 a provisional election was made without traverse to prosecute the invention of Species Group I (Figs 1-5) claims 1-9 considered reading thereon. Affirmation of this election must be made by applicant in replying to this Office action.

Claims 10-11 are withdrawn from further consideration by the examiner, under 37 CFR 1.142(b), as being drawn to a non-elected invention.

An Office Action on the merits follows.

Specification Objections - Incorporation by Reference

3. The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner

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representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

Specification Objections - Informalities

4. The specification is objected to for the following minor informalities:

page 7, para 0031: "traverse" should be --transverse--.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4 are rejected under 35 U.S.C. 102 (b) as being anticipated by Abondance et al. (US 5599036).

Abondance et al. discloses a gliding apparatus comprising: **(re: claim 1)**

a support surface (4) provided to support a rider's two feet;

a gliding surface (7) provided to glide along a surface;

the support and gliding surfaces being opposite one to the other providing a spacing (2) therebetween;

the support and gliding surfaces substantially having the same length (refer Fig 1);

the support surface being wider than the gliding surface (refer figs 2-5 where the support surface 3 clearly extends transversely to be wider than the transverse extent of the gliding surface 7 in each section where taken along the length of the gliding apparatus; and

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a closed volume (2) is demarcated between the support and gliding surfaces; and further (**re: claim 2**) wherein (refer figures 1-5 where it is seen that)

a first shovel of the support surface and a first shovel of the gliding surface meet;

a second shovel of the support surface and a second shovel of the gliding surface meet;

a first lateral side edge connects a first edge of the gliding surface to a connecting surface of the support surface; and

a second lateral side edge connects a second edge of the gliding surface to the connecting surface of the support surface; and

(**re: claim 3**) wherein the first and second shovels are respectively tangent one to the other and coupled one to the other (refer Fig 1); and

(**re: claim 4**) wherein the first shovel comprises a curved portion having center(s) of curvature on the side of a top of the support surface (refer Fig 1).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abondance et al. (US 5599036) in view of Bauvois (US 5915719).

As discussed above, Abondance et al. discloses all of the features of claim 1 from which claim 5 depends.

Abondance et al. lacks explicit disclosure of a support cover affixed to a top of the support surface.

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Bauvois teaches a support cover (item 9) affixed to a top of the support surface of a gliding apparatus (as shown in Fig 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the disclosure of Abondance et al. to include a support cover on the top surface of the gliding apparatus in accordance with the teachings of Bauvois in order to provide platforms for receiving and elevating the boot bindings of the user thereby improving the transmission of the forces between the binding and the edges of the board as suggested by the reference at column 1, lines 58-61.

9. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abondance et al. (US 5599036) in view of Wolf (US 6290249).

As discussed above, Abondance et al. discloses all of the features of claim 1 from which claims 6 - 8 depend.

Abondance et al. lacks explicit disclosure of longitudinal grooves on a side of a bottom of the gliding surface and extending both along a central portion and partially at least along the shovels of the gliding surface and constituted by three grooves.

However, Wolf teaches a gliding apparatus (Figs 1-6) with (**re: claim 6**) longitudinal grooves on a side of a bottom of the gliding surface (Fig 4); and (**re: claim 7**) wherein the grooves extend both along a central portion and partially at least along the shovels of the gliding surface (Fig 4); and (**re: claim 8**) wherein the longitudinal grooves are constituted by three grooves (fig 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the disclosure of Abondance et al. to include at least three grooves extending longitudinally along the sides of the bottom of the gliding surface and extending partially at least along the shovels of the gliding surface in accordance with the

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teachings of Wolf in order to improve the ability of the gliding apparatus to be guided over a snow surface as suggested by the reference at column 1, lines 54-57.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abondance et al. (US 5599036) in view of Cazaillon et al. (US 5445403).

As discussed above, Abondance et al. discloses all of the features of claim 2 from which claim 9 depends. Furthermore, Abondance et al. discloses the gliding apparatus to have two main portions, these two main portions comprising a first portion having the support surface, the lateral side edges and the gliding surface, the support surface having an opening (not separately numbered; taken as the opening at the demarcation between the support surface and the gliding surface, best understood by reference to Figs 2-5).

But Abondance et al. lacks explicit disclosure wherein the gliding apparatus has a second portion comprising a cover for closing the opening in the support surface.

However, Cazaillon et al. teaches a gliding apparatus having two main portions (refer Figs 1 to 6, and particularly Fig 4 where the item 17 is seen to cover the opening between the support surface and the gliding surface) comprising a first portion having the support surface(6), the lateral side edges and the gliding surface (5), and wherein the support surface has an opening, and further having a second portion comprising a cover (12) for closing the opening in the support surface.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to have modified the structure of the gliding apparatus of Abondance et al. to comprise two main portions wherein the second portion is a cover for closing the opening in the support surface of the first portion in accordance with the teachings of Cazaillon et al. in order to provide additional mechanical reinforcement in the structure as suggested by the reference at column 2 lines 51-59 and column 4, lines 37-54.

Prior Art made of Record

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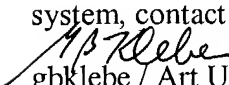
11. The prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure. The prior art of Noviant and of Stubblefield both teach a snowboard having a section comprising a support surface and gliding surface wherein the support surface is wider than the gliding surface; Kuchler and also Anderson, Braun, and Gordon et al. each teach a gliding apparatus having longitudinal grooves in the sides of the bottom gliding surface; Fezio teaches a gliding apparatus having a section between the support surface and the gliding surface that comprises a first portion and having the opening in the support surface closed by a second portion. These references also show various other structures having features in common with some of the features disclosed in the instant application.

Conclusion

12. Any inquiry concerning this or earlier communication(s) from the examiner should be directed to Gerald B. Klebe at 703-305-0578, fax 703-872-9306; Mon.-Fri., 8:00 AM - 4:30 PM ET, or to Supervisory Patent Examiner Christopher P. Ellis, Art Unit 3618, at 703-305-0168.

Official correspondence should be sent to the following TC 3600 Official Rightfax numbers as follows: Regular correspondence: 703-872-9326; After Finals: 703-872-9327; Customer Service: 703-872-9325.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gbklebe / Art Unit 3618 / 24 June 2004



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